

APPEAL NO. 030849  
FILED MAY 22, 2003

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on March 12, 2003. The hearing officer resolved the disputed issues by deciding that the appellant (claimant) sustained a compensable injury on \_\_\_\_\_; that the compensable injury does not extend to and include the head, right shoulder, and herniated discs at C3-4, C4-5, C5-6, L3-4, and L4-5; and that the claimant sustained disability from July 31, 2002, through the date of the CCH. The claimant appealed the extent-of-injury determination, arguing that it was based on no evidence or alternatively was against the great weight and preponderance of the evidence. The appeal file did not contain a response from the respondent (carrier). The compensable injury and disability determinations were not appealed and have become final. See Section 410.169.

DECISION

Affirmed.

Extent of injury is a factual question for the hearing officer to resolve. The hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as the weight and credibility that is to be given to the evidence. Section 410.165(a). It is for the hearing officer to resolve the inconsistencies and conflicts in the evidence and to decide what facts the evidence has established. Garza v. Commercial Ins. Co., 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). In this instance, the hearing officer was not persuaded that the claimant sustained his burden of proving the causal connection between his compensable injury and the head, right shoulder, and herniated discs at C3-4, C4-5, C5-6, L3-4, and L4-5. The hearing officer was acting within her province as the fact finder in making these determinations. Nothing in our review of the record reveals that the hearing officer's extent-of-injury determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to disturb those determinations on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **ARGONAUT-SOUTHWEST INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**JOSEPH A. YURKOVICH  
1431 GREENWAY DRIVE, SUITE 450  
IRVING, TEXAS 75038.**

---

Margaret L. Turner  
Appeals Judge

CONCUR:

---

Elaine M. Chaney  
Appeals Judge

---

Gary L. Kilgore  
Appeals Judge